

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Richard A. Holl	Examiner:	Tra, Tuyen Q
Serial No.	09/917,188	Group Art Unit:	2873
Filed:	July 27, 2001	Docket No.	58035-012100
Title:	FLEXURELESS MAGNETIC MICROMIRROR ASSEMBLY		

**CERTIFICATE UNDER 37 CFR 1.6(d)**

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Tuyen Q. Tra, Unit 2873, Facsimile No. (703)-305-3579 on March 10, 2003.

*Shurk L. Thomason*  
Shurk L. Thomason

**Response to Restriction Requirement**

Box Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed December 14, 2002, kindly enter the following provisional election: Applicant provisionally elects, with traverse, Group I Claims 1-39, drawn to an optical fiber switch.

03/20/2003 AJOWHIS01 00000007 601561 09917188  
01 FC:1251 110.00 CH  
Additionally, claims 40-79 are withdrawn from consideration by the Examiner from further examination. It is requested that the claims withheld from further examination remain in this case.

The requirement for restriction by the Examiner is respectfully traversed because of the close relationship between the claims of Group I and Group II. A search of the claims of provisionally elected Group I, directed to an optical fiber switch, will necessarily encompass the search of the claims of Group II, since the claims of Group I are drawn to an optical fiber switch which may be disclosed in a patent that relates to the micromirror device of Group II.

\\LA-SRV01\173872v01

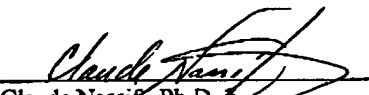
The searches are interwoven, and it is well known that the excellent classification system of the United States Patent and Trademark Office is much more detailed than the actual separate status of fields known to the art. Therefore, Applicant does not traverse the restriction requirement on the grounds of lack of patentable distinctness. Rather, applicants traverse the restriction requirement on the grounds that a sufficient burden to require restriction does not exist and that the inventions are sufficiently related to preclude restriction notwithstanding the existence of patentable distinctness. Accordingly, the Examiner's request is burdensome, not only on the applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Applicant respectfully requests that the restriction requirement be withdrawn.

Applicant has complied with all requirements made in the communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1561.

Respectfully submitted,

Date: 3-10-2003

  
Claude Nassif, Ph.D.  
Patent Agent  
Reg. No. 52,061

GREENBERG TRAURIG, LLP  
2450 Colorado Avenue  
Suite 400E  
Santa Monica, CA 90404  
Phone: (310) 586-7700  
FAX: (310) 586-7800

2873

09/9/17/88

Transmittal Cover Sheet

**Company:** United States Patent and Trademark Office  
**Attn:** Examiner Tuyen Q. Tra  
**Fax Number** 1-703-305-3579  
**Phone Number**  
**FROM** Shurla L. Thomason,  
Assistant to Claude Nassif  
**File Number** 58035.012100  
**Comments** Please find attached:

RECEIVED  
MAR 13 2003  
TECHNOLOGY CENTER 2800

1. Response to Restriction Requirement

*Please acknowledge receipt by returning a "date stamped" copy of this cover page to fax number 310-586-0271. Thank you.*

**Date** March 10, 2003  
**Time**  
**No. Pages** Including this cover sheet 3

Please notify us immediately if not received properly at 310-586-7700.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the address below via the U.S. Postal Service. We will reimburse you for your postage. Thank you.

2450 Colorado Ave., Suite 400E, Santa Monica, California 90404 (310) 586-7700 Fax (310) 586-7800